

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00312-MR-DLH**

| | | |
|----------------------------------|---|---------------------|
| EUGENE ALLEN BRADLEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>ORDER</u> |
| |) | |
| BAXTER HEALTHCARE |) | |
| CORPORATION and PHARMACIA |) | |
| & UPJOHN COMPANY LLC, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

THIS MATTER is before the Court on the Defendant Pharmacia & Upjohn Company LLC's Motion to Dismiss [Doc. 9] and the Magistrate Judge's Memorandum and Recommendation [Doc. 25] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On October 18, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in

support of a recommendation regarding the Defendant's motion. [Doc. 25]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation [Doc. 25], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's Motion to Dismiss should be granted and that all claims asserted against Defendant Pharmacia & Upjohn Company LLC should be dismissed.

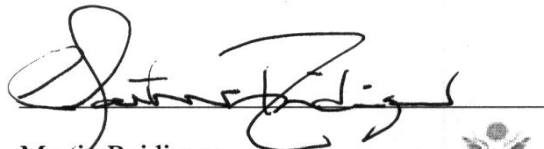
ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 25] is **ACCEPTED**, the Defendant Pharmacia & Upjohn Company LLC's Motion to Dismiss [Doc. 9] is **GRANTED**, and all of the Plaintiff's claims asserted against Defendant Pharmacia & Upjohn Company LLC are hereby **DISMISSED**.

IT IS FURTHER ORDERED that the Plaintiff and the remaining Defendant, Baxter Healthcare Corporation, shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and file a certificate of initial attorneys' conference within seven (7) days thereafter.

IT IS SO ORDERED.

Signed: November 6, 2013


Martin Reidinger
United States District Judge

